

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--|-------------------------------------|--|------------------------------------|---------------------------------|
| Investigator: Robert Bryan | Team: Squad #13 | CCRB Case #: 201908145 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 09/15/2019 9:40 PM | Location of Incident: 586 South Conduit Boulevard | Precinct: 75 | 18 Mo. SOL 3/15/2021 | EO SOL 10/30/2021 | |
| Date/Time CV Reported Sun, 09/15/2019 10:01 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sun, 09/15/2019 10:01 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. POM Vincent Gambino | 31824 | 954841 | 075 PCT |
| 2. An officer | | | 075 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Sean Collins | 29210 | 954654 | 075 PCT |
| 2. POM Francesco Iorio | 05463 | 956763 | 075 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A. An officer | Abuse: On an unknown date in September of 2019, an officer questioned § 87(2)(b) | |
| B.POM Vincent Gambino | Abuse: On September 15, 2019, Police Officer Vincent Gambino questioned § 87(2)(b) | |

Case Summary

On September 15, 2019, § 87(2)(b) filed this complaint via the CCRB website.

On an unknown date and time in early September of 2019, § 87(2)(b) was standing outside of the BP Gas Station located at 586 South Conduit Boulevard in Brooklyn, leaning against his motorcycle, when PO Vincent Gambino, PO Sean Collins, and PO Francesco Iorio, all of the 75th Precinct, arrived. One of the officers asked § 87(2)(b) where he had stolen his motorcycle (**Allegation A – Abuse of Authority – Question; § 87(2)(g)**). Approximately one week later on September 15, 2019, at approximately 9:40 p.m. § 87(2)(b) was leaning against his motorcycle outside the same gas station when the same three officers arrived. PO Gambino asked § 87(2)(b) either, “Have you robbed anyone today?” or “How many people did you rob today?” (**Allegation B – Abuse of Authority – Question; § 87(2)(g)**). No arrest or summons resulted from either interaction.

There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: On an unknown date in September of 2019, an officer questioned § 87(2)(b)

Allegation (B) Abuse of Authority: On September 15, 2019, Police Officer Vincent Gambino questioned § 87(2)(b)

§ 87(2)(b) stated that on an unknown date in early September of 2019, he was standing next to his parked motorcycle outside of the gas station when three plainclothed officers arrived. One of the officers asked § 87(2)(b) where he had stolen his motorcycle, though § 87(2)(b) could not recall which of the three officers said this. § 87(2)(b) did not respond. The officers got in their car and drove away.

Approximately one week later, on September 15, 2019, § 87(2)(b) said he was again standing next to his parked motorcycle outside the same gas station when the same three plainclothes officers arrived in an unmarked car. One of the officers, whom § 87(2)(b) described as an approximately 5’6-5’7” tall white man with short black hair, asked § 87(2)(b) either, “Have you robbed anyone today?” or “How many people did you rob today?” § 87(2)(b) did not recall the officer’s exact words. § 87(2)(b) did not respond. The officers laughed, got in their car, and drove away.

None of the officers had any memory of either interaction or the alleged statements in question, and none of them recognized § 87(2)(b) from a photograph of him taken at the CCRB. § 87(2)(b) obtained the license plate number of the unmarked vehicle that the three officers arrived in on September 15, 2019, and NYPD documents revealed that PO Gambino, PO Collins, and PO Iorio were the three officers assigned to that vehicle at that time. PO Gambino is a 5’7” tall white man with black hair, PO Collins is a 6’0” tall white man with brown hair, and PO Iorio is a 5’9” tall white man with brown hair (Board Review 01). Based on the officers’ physical descriptions, Allegation B has been pled to PO Gambino. Because § 87(2)(b) could not recall which officer questioned him during the first interaction, and because none of the officers recalled the incident, Allegation A has been pled to “An officer.”

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 02).
- PO Gambino has been a member of service for six years and has been the subject of 22 allegations in six previous cases, four of which were substantiated.
 - Case 201902884 involved an allegation of failure to provide a RTKA card, an allegation of a frisk, an allegation of interference with recording, and an allegation of a vehicle search, all of which were substantiated. The board recommended Command Discipline A and the NYPD disposition is still pending.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 03).
- As of March 18, 2020, no Notice of Claim has been filed with the New York City Comptroller's office regarding this incident (Board Review 04).

Squad 13

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|---------------|---------------------|--------------------------|----------------|
| Investigator: | <u>Robert Bryan</u> | <u>Inv. Robert Bryan</u> | <u>3/27/20</u> |
| | Signature | Print Title & Name | Date |

Squad Leader: _____

Signature

IM Laura Kastner

Print Title & Name

3/27/20

Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____